

1 work at the Coachman Road address?

2 A. Gosh, I'd say prior, about a month to a month and a half ago.

3 Q. Had you ever done any work at that address before?

4 A. Oh, yes. Many a times.

5 Q. Tell me about that.

6 A. As far as every bit of work, I could go back all the way back to the beginning and tell you every single little bit of work I've done there. I've been working for Mrs. and Mrs. Longwell, gosh, I'd say for quite some time now.

7 Q. Can you summarize for me the work that you have done for them at that Coachman Road address from April to August of 2002?

8 A. Prior -- well within this job that I did, it would consist of the patio and of the pool, there were walls that went to the pool, okay, that were erected, probably I'd say about a month prior to the -- to this incident.

9 Q. So that would be in approximately July or August of 2002?

10 A. Exactly. It was in the summer.

11 Q. Before that what kind of work did you do?

B-1

1 was pretty much that phase of the job, of the pool  
2 area.

3 Q. So prior to your beginning work, was the pool  
4 enclosed?

5 A. Yes.

6 Q. And can you just tell me -- I just don't  
7 understand what --

8 A. Absolutely.

9 Q. You were changing the enclosure from what to  
10 what?

11 A. This pool -- this area of the pool was all  
12 surrounded by glass. The glass started getting  
13 bad, started leaking. So then what they wanted to  
14 do was to replace the glass but not have the glass  
15 go from the ground all the way up. They wanted to  
16 come up with a knee wall, I would say preferably  
17 about four foot high, and the glass unit would sit  
18 on top of the knee wall.

19 Q. I see. What else besides modifying the  
20 enclosure on the pool were you expecting to be  
21 doing on that job in August of 2002?

22 A. Well, actually, the first phase of that job  
23 was that, was the wall so they could get the glass  
24 people in and get that pool enclosed. After that

B-2

1 then it was the patio area. And --

2 Q. I'm sorry. What were you going to be doing at  
3 the patio?

4 A. The patio we were installing pavers, the wrap  
5 around -- the inner part, there was like an L  
6 between the house and the enclosed pool area and we  
7 were covering that section with pavers on the  
8 outside of the house.

9 Q. Can you spell it, pavers?

10 A. P-A-V-E-R-S.

11 Q. And in laymen's terms just describe what you  
12 mean by pavers?

13 A. It's actually -- they come in all different  
14 sizes, four by four, six by six, six by nine. It's  
15 actually a concrete paver. It's actually like a  
16 walking stone, like a cobblestone.

17 Q. What were you doing first? Were you going to  
18 fix the enclosure on the pool first and then do the  
19 patio work?

20 A. The pool was completely done.

21 Q. That was done first?

22 A. That whole phase was done. There was nothing  
23 else to be done as far as that.

24 Q. As of August 30, 2002 the modifications to the

B-3

1 pool enclosure had already been completed?

2 A. It had been completed.

3 Q. How long did it take you to do that?

4 A. I would probably say -- I'd say probably about  
5 a week, week and a half. Realistic probably about  
6 a week and a half.

7 Q. So if you started work -- I know I wasn't  
8 being specific necessarily about the exact date,  
9 but if you started approximately August 15, that  
10 would take you up to about August 25 or so, about  
11 five days before this accident that you completed  
12 the pool enclosure work?

13 A. Right. This was prior, before -- this was not  
14 within a week's time that this happened, within  
15 each other. This pool area was done probably about  
16 two or three weeks before the pavers were even  
17 started.

18 Q. So as of about August 15 then, if the accident  
19 happened on August 30 -- by the way you have  
20 invoices for this stuff, right?

21 A. Gosh, man I got to check. I'm sure I do. I  
22 have to.

23 Q. We can pin down the exact dates that you  
24 worked?

B-4

1 A. There was a little ramp that came down from --  
2 right to the sidewalk.

3 Q. Okay. I understand.

4 Were you physically present at the  
5 Coachman Road address each day that the  
6 enclosure work --

7 A. Yes.

8 Q. -- and the patio work was being done?

9 A. Absolutely.

10 Q. Who was working with you from Ashland  
11 Construction, and I'm talking about when the work  
12 began, when you first started doing the pool  
13 enclosure work?

14 A. Oh, gosh, I guess -- well Salvador Ortiz, he  
15 was with me -- he was with me for the pavers, and  
16 he was with me for a little bit, I'd say of the  
17 actual enclosure work of the pool area.

18 Q. Was anyone else from Ashland Construction  
19 there besides Mr. Ortiz?

20 A. No. That was about it. He was about the only  
21 gentleman that was there.

22 Q. So for the few weeks that you were working at  
23 the Coachman Road address first doing the pool  
24 enclosure work, and then doing the patio paver

B-5

1 Q. Did you and Mr. Ortiz have to bring tables and  
2 chairs from any location into the pool area on the  
3 day of the accident?

4 A. Would you like me to tell the whole story?

5 Q. Yes.

6 A. Prior to when we got there -- okay, our work  
7 consisted of on the outside, doing the pavers. We  
8 got there, I would say we were there for probably,  
9 I'd say for about -- I'd say probably about half an  
10 hour, forty-five minutes, maybe an hour, when we  
11 got there. Mrs. Longwell came outside, okay, and  
12 there was actually a white table, and I believe  
13 there was a couple chairs that were out there. I  
14 can't quite remember about the chairs too good, but  
15 she asked me if we could clean up the table and the  
16 chairs and bring them in, you know.

17 I said -- before we even did that, I  
18 walked in with Mrs. Longwell, inside the house, I  
19 followed her down into the pool area, and she said  
20 this is where I would like you to set the table at.  
21 Okay.

22 I proceeded to walk out of the house.  
23 She was in front of me. Walked out of the house,  
24 walked back out the outside door, okay, and then

B-4

1 started cleaning them?

2 A. These photographs aren't going to show it too  
3 good, but I can explain it to you.

4 The actual -- if I recall correctly, the  
5 actual table was right about here. Right in this  
6 area (indicating.)

7 Q. Let me make a record of what you're talking  
8 about. We're looking at GORB 27, photograph number  
9 10, the photograph on the lower half of this page,  
10 and the witness is now going to describe, at least  
11 as I understand, generally speaking, where he  
12 thinks the table was.

13 A. That's where the table was. That's not where  
14 I started cleaning it. The table was brought out  
15 from here because there was actually brick dust on  
16 the table. The table was brought out from this  
17 area, and it was brought over to here so I could  
18 reach it with a hose.

19 Q. There was brick dust on the table from the  
20 patio work that you had been doing?

21 A. Right. I mean there was brick dust,  
22 settlement from the trees. The table was dirty.  
23 It wasn't just all brick dust that was on it.

24 Q. But there was brick dust on it?

B-7

1           A. There was -- I mean dust. There was dust from  
 2           the -- there was dust from the work I was doing,  
 3           and there was berry marks on it from the trees that  
 4           was coming down. The table was just dirty. It  
 5           needed to be cleaned, regardless of whatever part  
 6           of my stuff was, or whatever.

7                         From here the table was brought over to  
 8           here. And this is where it was cleaned at.

9           Q. Put a, if you would, sir, an A on this picture  
 10          where the table and the chairs --

11          A. I --

12          Q. Wait a minute -- where they were before you  
 13          moved them to clean them.

14          A. (Witness complies.) I'm going to say right  
 15          about there.

16          Q. Put a B where they were when you cleaned them.

17          A. (Witness complies.) Right there.

18          Q. In the location where you've marked with an A,  
 19          is that where both the table and the chairs were?

20          A. Everything was brought to that "B" area to be  
 21          reached with the hose to be cleaned.

22          Q. But the -- my question was is the "A" area  
 23          where both the table and the chairs were?

24          A. I can't remember, Matt.

B-8

1 Q. In any event you brought everything to the "B"  
2 area to clean it --

3 A. Right. I don't know --

4 Q. Mr. Rizzo, I'm trying to be polite to you.

5 You've got to let me finish the question. Okay.

6 Because we're not going to be able to read this,  
7 and I know you're anxious, and you know what I'm  
8 going to ask you, and you could tell me right away,  
9 but try and bear with me.

10 Let me ask my question and then you give  
11 the answer. Okay.

12 The "B" area is the location to which  
13 you brought the table and the chairs?

14 A. Correct.

15 Q. What type of table was it?

16 A. A plastic -- I believe a plastic table.

17 Q. What kind of chairs?

18 A. Just regular plastic chairs.

19 Q. Had they been in the patio area since you  
20 fellows had started doing the work putting pavers  
21 on the patio?

22 A. Gosh, Matt, I can't remember that. I don't  
23 know. Because in that area -- I had to cover that  
24 area with pavers also. The table could have been

B-9

1                   You told me earlier that if that area  
2                   was left unguarded for a certain period of time,  
3                   you would have to close the doors, correct?

4       A.   I'm telling you this, if I walked in that  
5                   house, and I opened up that door, okay, then, yes  
6                   it's my responsibility to close it. But I did not  
7                   open that door.

8                   The only door I opened was from the  
9                   outside of that house, walking into that house.

10                  I don't know why she wanted that door  
11                  opened. There could have been a reason why she  
12                  wanted it open, but I know if I opened that door  
13                  physically myself, yes, then it would have been my  
14                  option to close it.

15       Q.   So if you opened the inside door --

16       A.   Correct.

17       Q.   -- then your failure to close it in between  
18                  when you did the work and when the accident  
19                  happened would be your fault?

20                  MR. LANDON: Objection.

21                  THE WITNESS: Say -- repeat that.

22                  BY MR. CASEY:

23       Q.   If you opened the inside door, if it was you  
24                  rather than someone in the house, okay, are you

B - 10

1 chairs down and going out onto the patio, to open  
2 that door to the pool before you go get the cabrio,  
3 correct?

4 MR. LANDON: Objection.

5 THE WITNESS: I mean --

6 BY MR. CASEY:

7 Q. Agreed, yes or no?

8           A.     No.   It's not agreed totally to the whole  
9           matter of it.

10 Q. So that's not your job?

11 A. Absolutely not.

12 Q. If you were leaving that area, than is the  
13 pool area, and the dining room and the patio  
14 unguarded for a period of time, would it be your  
15 job to make sure that those doors are closed after  
16 you worked in that area?

17 MR. LANDON: Objection.

18                   THE WITNESS: I mean -- I mean I'm  
19                   responsible for my work area. That's what  
20                   I'm responsible for.

21 BY MR. CASEY:

Q. Your work area that morning, sir, included the pool area, correct?

24 A. No. No. My work area that day -

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